

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22698 of 2004

Between:

C.Malini, W/o Gopal, R/o Appecherla Village, Peddavadugur Mandal,
Ananthapur District.

..... PETITIONER

AND

The Revenue Divisional Officer, Ananthapur, Ananthapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in not completing the enquiry within the period prescribed by this Hon'ble Court in W.P. No. 17077 of 2004, dated 23-9-2004 is arbitrary illegal and consequently direct the respondent to permit the petitioner to distribute the commodities to the cardholders till the disposal of the enquiry in the interest of justice.

Counsel for the Petitioner: Mr.P.Nagendra Reddy, Advocate

Counsel for the Respondent: GP for Civil Supplies

The Court made the following :

ORDER:

-

The dealership of the petitioner was suspended by the respondent through the proceedings dated 24.07.2004. He preferred an appeal before the Joint Collector, but no interim order was passed in his favour. Hence, he filed a writ petition before this Court, and by virtue of the orders of this Court, he was continued as dealer, pending the disposal of the appeal by the Joint Collector. The appeal was ultimately dismissed on 17.09.2004, and the same was challenged in W.P.No.17077 of 2004. The said writ petition was disposed of on 23.09.2004, directing that the respondent shall dispose of the proceedings against the petitioner, within two weeks from the date of receipt of the explanation. The petitioner was also directed to be continued as dealer, for the month of October, 2004. Petitioner contends that no orders have been passed by the respondent so far, and in the mean while, he has not been continued as dealer.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

While disposing of the Writ Petition No.17077 of 2004, this Court was of the view that the first respondent would be in a position to pass appropriate orders finally, in the proceedings by the end of October, 2004, and in that view of the matter, directed that the petitioner shall be continued as dealer for the month of October, 2004. However, certain steps such as, furnishing of report of the Mandal Revenue Officer dated 7.7.2004, submission of explanation by the petitioner within a particular time thereafter etc., do not appear to have been adhere to strictly by the parties. The result is that the respondent did not pass any order so far, and the petitioner was disabled from functioning as dealer since the direction of this Court was to continue him as dealer only for the month of October, 2004. Taking the totality of the circumstances into account, it is directed that the petitioner shall be continued as dealer of the Fair Price Shop in question till the respondent passes an order, as directed by this Court in W.P.No.17077 of 2004.

The writ petition is accordingly disposed of. There shall be no order as to costs.

8th December, 2004

Note: Issue copy in three days.

(B/o)

pan

To

1. The Revenue Divisional Officer, Ananthapur, Ananthapur District.
2. Two C.Cs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT).
- 3 Two C.D. copies.